

# Environmental Cooperation Agreement between Cook Composites and Polymers, Inc. and Wisconsin Department of Natural Resources

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## TABLES

- A. [Cook Composites and Polymers \(CCP\), Saukville 304 Railroad St.: Facility Permits, Approvals, Activities, Identification Numbers and DNR Program Contacts \(PDF, 37KB\)](#)
- B. [Cook Composites and Polymers Schedule for Implementation of Environmental Cooperative Agreement \(PDF, 71KB\)](#)
- C. [Cook Composites and Polymers Performance Measures \(for Negotiation\) \(PDF, 47KB\)](#)

## ATTACHMENTS

- 1. [Composites Care<sup>TM</sup> Pollution Prevention and Waste Minimization Code of Practice \(PDF, 15KB\)](#)
- 2. [CCP Health, Safety and Environment Charter \(PDF, 10KB\)](#)
- 3. January 10, 1995 Corrective Action Plan Requirements and Approval

For more information or to provide comments on DNR's Counterproposal for the Cook Environmental Cooperative Agreement contact: Lynn Persson, Wisconsin DNR Bureau of Cooperative Environmental Assistance, Box 7021, Madison, WI 53707 email: [Lynn.Persson@dnr.state.wi.us](mailto:Lynn.Persson@dnr.state.wi.us) phone 608/267-3763 or fax 608/267-0560

This Agreement is being entered into, pursuant to sec. 299.80 Wisconsin Statutes and represents the negotiated and agreed to conditions agreed upon by Wisconsin Department of Natural Resources (DNR) and Cook Composites and Polymers, Co.(CCP), for the purpose of providing an alternative method for the regulation of environmental impacts from CCP.

FOR AND IN CONSIDERATION of the terms and conditions contained in this agreement, DNR and CCP set forth the following:

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## **I. FACILITY INFORMATION:**

Facility Name: Cook Composites and Polymers Co. (CCP)

Facility Location: 340 Rail Road Street, Saukville, Wisconsin

Local Contact/Info Michael Lotman, Plant Manager

Phone: (262) 284-0555

Fax (262) 284-0593

Mailing Address: 340 Rail Road Street, Saukville, Wisconsin 53080

Corporate Contact: Michael Gromacki

Email: [Gromacki@CCPonline.com](mailto:Gromacki@CCPonline.com)

Phone: (816) 391-6011

Fax: (816) 391-6093

Mailing Address: P.O. Box 419389

820 East 14th Avenue, North Kansas City, MO 64116

Corporate Web Page: <http://www.CCPonline.com/> (exit DNR)

## **Project Summary**

This Environmental Cooperative Agreement provides CCP and the DNR the opportunity to evaluate the feasibility and desirability of a pollution prevention project to eliminate generation of five million pounds of a characteristic hazardous waste and the need for a hazardous waste incinerator. CCP also commits to seek other opportunities for pollution prevention and environmental benefits at CCP's Saukville, Wisconsin facility in cooperation with its neighbors, the local community and DNR.

## **Facility and Project Background Information**

The CCP Saukville facility manufactures polyester and alkyd resins used in a variety of applications, including the coatings, sanitary, automotive and marine industries (SIC 2821). The facility, located approximately 25 miles north of Milwaukee, began resin production 1949 and employs approximately 75 full-time staff in Wisconsin. CCP acquired the Saukville facility and other assets December 31, 1990 from Freeman Chemical Corporation. CCP is participating in a joint venture company with **TOTALFINA ELF**, the French oil, gas, refining, and chemical company, and operates in the ATOFINA chemical division.

The CCP Saukville facility's current capacity is approximately 52 million pounds per year in more than 3000 batches. Wastes generated at the facility are primarily spent solvents, filter cleaning residues, reaction

waters, and miscellaneous off spec materials. The facility currently disposes of two of the waste streams (reaction water and solvents) in an onsite RCRA licensed hazardous waste incinerator.

In 1998, the CCP Saukville facility generated approximately five (5) million pounds of a characteristic hazardous waste stream known as esterification water, or more commonly "reaction water". The reaction water is a by-product of a condensation reaction of organic acids and glycol that yields polyester and alkyl resins.

The reaction water waste stream is currently incinerated on site in a facility permitted under the Resource Conservation and Recovery Act (RCRA). The reaction waste stream is considered characteristically hazardous for ignitability (DOO1) based on the presence of low concentrations (1-2%) of organic chemicals that at times result in a flash point below 140 degrees F. The waste is occasionally characteristically hazardous for corrosivity (DOO2) due to low (<2 units) pH.

In addition, the CCP Saukville facility generated 1.7 million pounds of spent solvent (F003) that was used as a supplemental fuel in the incinerator. Since the solvent is used as supplemental fuel to incinerate reaction water, the option of recycling of the solvent was not historically considered economically beneficial.

In May 1999, CCP revised and updated the incinerator Feasibility and Plan of Operation Report (FPOR) according to the current schedule in the DNR call-in letter. CCP did not request waste stream changes in the updated Feasibility Report and Plan of Operation. At the same time, CCP began evaluating the viability of waste minimization and pollution prevention options for management of reaction water at the Saukville facility, and other facilities in the United States.

In 1999, CCP commissioned a pollution prevention study specifically focused on recovery of process chemicals from the reaction water. The purpose of the study was to evaluate options for reducing waste generated by eliminating the hazardous characteristic, and make beneficial use of recovered materials, previously wasted via the reaction water incineration.

The study was completed in December 1999 and focused upon identifying and evaluating demonstrated and potentially applicable technologies for recovery of organic process constituents from the reaction water and achieving zero discharge, if feasible. Subsequent pilot level studies of a MPPE technology were conducted at the CCP Chatham, Virginia plant and the CCP Kansas City, Missouri plant.

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## **II. DEFINITIONS.**

The following definitions are applicable to this agreement:

1. "Approval" means a permit license or other approval issued by the department under chapters 280-295 Wis. Stats.
2. "Cooperative agreement" means an agreement entered into under section 299.80(6), Wis. Stats.
3. "Environmental management system" means an organized set of procedures implemented by the owner or operator of a facility to evaluate the environmental performance of the facility and to

achieve measurable or noticeable improvements in that environmental performance through planning and changes in the facility's operations.

4. "Environmental performance" means the effects whether regulated under chapters 280 to 295 Wis. Stats. or unregulated, of a facility on air, water, land, natural resources and human health.
5. "Facility" means all buildings equipment and structures located on a single parcel or on adjacent parcels that are owned or operated by the same person.
6. "Interested person" means a person who is or may be affected by the activities at a facility that is covered or proposed to be covered by a cooperative agreement or a representative of such a person.
7. "Performance evaluation" means a systematic, documented and objective review conducted by or on behalf of the owner or operator of the facility including an evaluation of compliance with the cooperative agreement covering the facility, approvals that are not replaced by the cooperative agreement and the provision of chapters 280 to 295 Wis. Stats. and rules promulgated under those chapters for which a variance is not granted.
8. "Pollutant" means any of the following: any dredged spoil, solid waste, incinerator residue, sewage, garbage, refuse, oil, sewage sludge, munitions, chemical wastes, biological materials, radioactive substance, heat, wrecked or discarded equipment, rock, sand, cellar dirt, or industrial, municipal, or agricultural waste discharged into water or onto land. Any dust, fumes, mist, liquid, smoke, other particulate matter, vapor, gas odorous substance or any combination of those things emitted into the air but not uncombined water vapor.
9. "Violation" means a violation of a cooperative agreement, of an approval that is not replaced by the cooperative agreement or of a provision of chapters 280 to 295 Wis. Stats. and rules promulgated under those chapters for which a participant has not received a variance.

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### **III. PERIOD OF AGREEMENT.**

This agreement shall commence, subject to its signing by both parties on [Date] and continue until [date 5 years hence] during which period CCP and DNR shall abide by all terms and conditions contained herein. This agreement may be renewed up to five years pursuant to sect 299.80(6e), Wis. Stats.

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### **IV. AMENDMENT/REVOCATION.**

Pursuant to s. 299.80(7) DNR may amend this agreement with the consent of CCP or for cause. DNR may revoke an agreement at the request of CCP or if CCP is in substantial noncompliance, refuses to amend this agreement, is unable or unwilling to meet commitments to superior environmental performance or have not addressed a substantive issue raised by a majority of the interested persons. (s. 299.80 (7), Wis. Stats). The department shall provide at least 30 days for public comment on the proposed amendment or revocation of a cooperative agreement and an opportunity for a hearing if comments demonstrate considerable public interest in the proposed action.

In the event that this agreement is revoked the s. 299.80(7) Wis. Stats revocation decision is anticipated to include:

- CCP shall submit a new trial burn plan within 1 month of revocation of this agreement and conduct the required testing within 3 months of the revocation of this agreement.
  - DNR shall immediately re-initiate review of CCP's May 1999 TSD license application. As allowed under s. NR 680.45(7), Wis. Adm. Code, the CCP Saukville facility above shall continue to operate following the terms and conditions of their pre-existing licenses and plan of operation approvals until such time as final determinations on the Feasibility and Plan of Operation Reports (FPORs) are made, and, if appropriate, determinations on the re-issuance of the operating licenses can be completed, as required under s. NR 680.06, Wis. Adm. Code. All other terms and conditions of the pre-existing licenses, plan approvals, and plan modifications shall remain in force until, as appropriate, final re-issuance or closure determinations are completed
  - Other interim requirements upon revocation consistent with sec 299.80 and s. 280-295 Wis. Stats.
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## **V. ENTIRE AGREEMENT.**

This agreement, together with any specifications, referenced parts attachments and effective amendments, shall constitute the entire agreement. Communications or understandings made prior to the signing of this agreement and pertaining to its subject matter are hereby superseded. All revisions to this agreement must be made by a written amendment to this agreement, signed by both parties and issued under the same procedures as this agreement.

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## **VI. APPROVALS COVERED.**

Table A lists by number DNR permits and approvals that are covered and not covered by this agreement of which we are aware. The table indicates how these permits and approvals are impacted by the agreement. Table A also summarizes other environmental activities and identification numbers, and CCP and DNR program contacts for CCP's Saukville Plant. Nothing in this agreement shall relieve CCP of the obligation to comply with applicable local, state and federal laws and requirements or the terms and conditions of any license, permit or other approval, except as expressly provided in this agreement.

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## **VI. INTERESTED PERSONS GROUP.**

CCP utilized its existing community relations activities to meet with the public, obtain public opinion feedback on its overall environmental performance, and share information about its proposed Environmental Cooperative Agreement and waste minimization project. Existing community relations include routine presentations to the Village of Saukville Board, annual open house for the Village Board at the Saukville facility, and periodic hosted luncheon meetings of the Saukville Chamber of Commerce. For example, on June 7, 2000 CCP held an open house with the Saukville Village Board and provided a briefing on the proposed waste minimization project and Environmental Cooperative Agreement.

In June 2000, CCP hired a facilitator to develop an outreach program and community stakeholder group (e.g. interested persons group) to support this environmental cooperative agreement project and the development of CCP's environmental management system (EMS). CCP shall attempt to involve all relevant constituencies within the community including but not limited to:

- CCP employees,
- Neighbors
- Area businesses
- Local elected and appointed officials
- DNR staff
- Local Emergency Planning Committee
- Fire Department
- Citizen groups
- Neighborhood associations
- Others in the greater Saukville area who may be affected by or interested in the CCP facility and its activities.

Many of the CCP Saukville employees are represented by a labor union such as the United Auto Workers (UAW). All employees of CCP are obvious stakeholders in CCP's environmental and business strategies. As such, CCP management and hourly union employees will participate in the planning and implementation of this program.

The outreach efforts and the stakeholder group shall integrate, to the extent possible, public input relating to all aspects of CCP environmental activities. These include the environmental cooperative agreement project, CCP's environmental management system (EMS), potential pollution prevention activities at the facility, the environmental performance of CCP and the environmental impacts of CCP activities, and each of the state or local regulatory processes relating to specific aspects of this project, e.g. shut down of the hazardous waste incinerator, hazardous waste generation and storage, and discharge of wastewater to the sewage treatment plant, among others.

A three-step process is being undertaken to obtain input from stakeholders and the community on the agreement and design CCP's long-term Interested Persons Group:

#### 1. Solicit input

- Interview key community leaders
- Develop a questionnaire for neighbors and selected community members to determine their environmental concerns, the way(s) they would like to interact with CCP and if they want to be a "stakeholder."
- Contact a cross section of neighbors and community members and administer survey (either in person or via telephone).
- Collate and analyze results of interviews and questionnaires.

#### 2. Design the outreach program

- Identify and solicit stakeholders representing the various interests listed and participate on CCP's stakeholder group (e.g. interested persons group) and invite them to attend the July 31, 2000 meeting to:
  - Address requirements related the MACT air regulation for the hazardous waste incinerator;
  - Provide information to the community on the proposed Environmental Cooperative Agreement;
  - Solicit comments on the proposed Environmental Cooperative Agreement, CCP's approach to EMS and the draft plan for outreach and ongoing stakeholder input;
  - Solicit ongoing participation in the project and CCP's EMS by community members.
- Develop a draft plan for outreach and stakeholder input based on input from July 31, 2000 meeting, interviews and survey results.
- Present draft plan for outreach and stakeholder input at initial meeting of CCP's stakeholder group for comment (see below) that includes:
  - the ongoing membership and process for involvement of interested persons;
  - future assistance available from CCP for interested persons in implementation of the Agreement;
  - future information provided on environmental performance and check-in points with interested persons group at least every 6 months.
- Finalize outreach and stakeholder input plan.
- Implement the outreach plan and establish CCP's ongoing stakeholder group to provide input CCP's Environmental Management System during the period of the environmental cooperative agreement. Periodically review and adjust, as necessary.
- CCP will provide information to the public about CCP's environmental performance and the results of the project, including environmental, social and economic impacts and meet with interested persons at least once every 6 months to discuss the implementation of CCP's environmental management system and to receive comments on the progress of the project.

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## **VIII. COMMITMENT TO ENVIRONMENTAL MANAGEMENT SYSTEM.**

Within one year of the signing of this agreement, CCP commits to implement an environmental management system that is based on the standards for environmental management systems issued by the International Organization for Standardization or has equivalent components.

Specifically CCP is developing environmental management system (EMS) programs in the context of the industry initiatives of Coatings Care (National Paint and Coatings Association, reference Attachment 1) and Composites Care (Composite Fabricators Association). CCP shall also use the Prosper<sup>TM</sup> auditing methods, developed by the international quality and environmental and safety management systems company Det Norske Veritas (DNV), to document that it has implemented an environmental management system that is based on the standards for environmental management systems issued by the International Organization for Standardization or has equivalent components. DNV is an internationally recognized registrar for ISO 9000 and ISO 14000 standards. The Prosper<sup>TM</sup> system integrates Quality, Safety and Environment (QSE) programs into a consistent and objective auditing framework. CCP Saukville is currently ISO 9002 certified

Data to help evaluate the impacts of implementing the environmental management system shall be collected pursuant to the data protocols developed by the University of North Carolina.

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## **IX. COMMITMENT TO SUPERIOR ENVIRONMENTAL PERFORMANCE.**

CCP and as a joint venture of ATOFINA, the division of TOTAL FINA ELF has already established a Health, Safety and Environment Charter ([Attachment 2 \(PDF, 10KB\)](#)).

### **Goals for CCP Saukville Facility**

As part of CCP commitment to Superior Environmental Performance CCP commits to going beyond what would otherwise be required in environmental regulations by setting the following goals for its Saukville Facility:

- A. Through waste minimization and pollution prevention eliminate or significantly reduce the waste streams that are currently burned in its hazardous waste incinerator without transferring them to another environmental media
- B. To establish a long-term reduction in the amount of wastes generated and contaminants and pollutants released. To establish reduction goals and give priority to those pollutants, contaminants and wastes of highest health and environmental concern.
- C. To continuously improve its practices to minimize environmental impacts and conserve natural resources.
- D. To take leadership in product stewardship, integrating health, safety and environmental considerations into the design, development and improvement of products, including a commitment to conserve, where possible, natural resources and energy. In partnership with its customers strive to encourage continued environmental stewardship in the use and ultimate disposal of its products.
- E. To work in cooperation with its employees, suppliers, customers and the local community in these efforts.

### **Objectives and Actions that CCP is committing to:**

As part of their efforts to attain these goals CCP and DNR shall commit to the following objectives as well as the actions and timeline established in Table B. CCP is legally committing to these objectives and actions as part of this cooperative agreement

#### **Objectives for Goal A**

**IX.A.1** CCP shall evaluate and bench/pilot test waste minimization/pollution prevention technologies for the waste streams burned in its hazardous waste incinerator with the goal of eliminating or significantly reducing these waste. These waste streams include, but are not limited to:

- Reaction Water ---Approximately five (5) million pounds of a characteristic hazardous waste stream known as esterification water, or more commonly "reaction water". The reaction water is a by-product of a condensation reaction of organic acids and glycol that yields polyester



and alkyd resins. These wastewaters may be a characteristic hazardous waste because it contains ignitable liquids (D001) or corrosive liquids (D002). The corrosive liquids are due to organic acids that have a pH ranging from 2 and 4.5.

- Waste Solvents --- Approximately 1.7 million pounds/year of waste rinse solvents (spent non-halogenated solvents, F003) generated by cleaning process equipment and as an azeotrope solvent process waste from the manufacture of resins (including xylene, toluene, acetone, mineral spirits and other solvents and hydrocarbons).
- Glycol --- Approximately 400 to 800 lbs/day of glycol are included as part of the reaction water. These glycols have a high chemical oxygen demand (50,000 to 100,000 ppm COD) if discharged to a wastewater treatment plant.

**IX.A.2** CCP shall prepare one or more feasibility studies that reports on the results of these evaluation and bench/pilot tests (A.1 above) and share the results with DNR and interested parties group. These reports shall be submitted to DNR based on the schedule outlined in Table B

- i) Feasibility study for waste minimization of reaction water
- ii) Feasibility study for waste minimization of waste solvents
- iii) Feasibility study for waste minimization of waste glycol

**IX.A.3** Following the schedule outlined in Table B, CCP shall submit a Conceptual Project Design, as a basis for determining which permits and other authorization shall be required from DNR to implement and construct the waste minimization/pollution prevention. The Conceptual Project Design should include the following information:

- i. Waste Minimization/Pollution Prevention ---- A description of the waste minimization/pollution prevention projects that CPP shall undertake to eliminate or significantly reduce the hazardous wastes currently burned in its Hazardous Waste Incinerator. This description shall include a mass balance summary of the chemicals and wastes that are burned by the incinerator and their final environmental fate before, and after, the proposed waste minimization projects are completed. If possible, projected energy use before and after the project shall also be included.
- ii. Wastewater Pretreatment ---- CCP shall identify whether it shall discharge wastewater that remains after the hazardous waste stream has been eliminated to a zero discharge wastewater pretreatment unit or the Saukville POTW. Specifically CCP should address how the non-hazardous glycol waste stream shall be handled initially and when its feasibility study for waste glycol shall be completed.
- iii. Air Emissions ---- A description of the proposed changes and how they shall impact air emissions including the claimed destruction efficiencies and supporting documents (such as stack tests if available), the types of emissions expected, any emissions from proposed recycling activities and any other relevant information
- iv. Air MACT ---- Draft notice of Notice of Intent to Comply (NIC) for Hazardous Waste Combustion MACT
  - i. Interested Person Group ---- A description of the interested parties group and process that CCP has established per Wis. Stats. 299.80 (3)(1) to 299.80(3)(o) and 299.80(5)(b).

**IX.A.4** Following the schedule outlined in Table B, CCP shall submit a Final Project Design and request permits and other authorization from DNR to implement and construction the waste minimization/pollution prevention projects in a manner that provides opportunity for concurrent project review by DNR's air, waste and water programs. These items include:

- Revised RCRA Closure Plan (reference NR 685.05, NR 640.16, NR 645.17 and NR 665.10) and any other needed modifications in CCP's Plan of Operation and Feasibility and Plan of Operation Report (reference NR 680.06)
- Pretreatment Facility Plan ---- Facility Plan for remaining wastewaters by 1) Discharge to POTW, or 2) Zero Discharge Facility.
  - 1. Discharge to POTW
    - a. Baseline Monitoring Report
    - b. Plans and Specifications for Pretreatment system of any new process wastewater discharges to POTW. The plan should document how CCP shall meet state and federal categorical pretreatment standards for the Organic Chemical Manufacturing industry found in NR 235.
    - c. CCP shall also need to obtain approval to discharge additional wastewater to the City of Saukville. CCP would need to meet all local requirements imposed based on a thorough evaluation of the impacts of the discharge on the POTW and ensure that adequate consideration is given to evaluate effects on Saukville's WPDES permit (WI-0021555-6) for discharge to the Milwaukee River or
  - 2. Zero Discharge Facility
    - a. Baseline Monitoring Report
    - b. Plans and Specifications for a zero discharge system
- Air Management Permit Applications and information including:

- 1) Air Construction Permit Application including documentation as to whether CCP is proposing modification of an existing source or construction of a new source.
- 2) Initial permit review fee of \$1,350 to expedite the review process (s. NR. 410.03(1)(d), Wis. Adm. Code). If DNR determines a permit is not needed then this fee shall be refunded; otherwise it shall be applied toward the fee for reviewing the construction permit.
- 3) Modification of CCP's Air Operating Permit Application to reflect proposed change or information justifying that a modification of the air operating permit application is not required

**IX.A.5** If the waste minimization and pollution prevention technologies evaluated are not feasible, CCP shall proceed with the Hazardous Waste TSD license renewal path according to NR 680 including submitting a new trial burn plan by December 1, 2000 and completing required testing by March 1, 2001.

#### **Objectives for Goal B**

**IX.B.1** CCP shall develop a pollution prevention plan for its entire facility with specific measurable goals. CCP shall seek input from its Interested Persons Group in developing these goals and share an annual pollution prevention progress report with its Interested Persons Group. CCP may decide to develop the pollution prevention plan as part of its ongoing EMS process.

**IX.B.2** CCP shall explore opportunities for Pollution Prevention when its Air Operating Permit for its entire facility is reviewed and issued.

*[DNR will be negotiating with CCP for specific objectives related to this goal for the agreement]*

**Objectives for Goal C**

*[DNR will be negotiating with CCP for specific objectives related to this goal for the agreement]*

**Objectives for Goal D**

*[DNR will be negotiating with CCP for specific objectives related to this goal for the agreement]*

**Objectives for Goal E.**

**IX.E.1** CCP shall keep its interested persons group informed on its RCRA closure activities related to it Hazardous Waste Incinerator.

*[DNR will be negotiating with CCP for other specific objectives related to this goal for the agreement]*

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## **X. POLLUTION LIMITS**

**X.1** As part of this agreement CCP shall continue to implement corrective action measures agreed to as part of the January 10, 1995 Minor Modification of a Plan of Operation - Continuing Corrective Measures; RCRA Facility Investigation Workplan. USEPA I.D. No.: WID980615439 (Attachment 3)

**X.2** The Department has received copies of Feasibility and Plan of Operation Reports (FPORs) for CCP's Hazardous Waste Facility Operation Licenses:

- HW Storage -Tank Non-Commercial (EPA ID No: WID980615439, License No: 03202)
- HW Treatment - Incinerator Non-commercial (EPA ID No: WID980615439, License No: 03203)

The effective periods for these storage and treatment facility licenses and plan approvals expired May 31, 1999. The Department acknowledges that CCP's submittals for this facility appears to contain the elements specified under s. NR 680.45(6), Wis. Adm. Code, and, as allowed under s. NR 680.45(7), Wis. Adm. Code, the CCP Saukville facility above should continue to operate following the terms and conditions of their existing licenses and plan of operation approvals until such time as final determinations on the FPORs are made, and, if appropriate, determinations on the re-issuance of the operating licenses can be completed, as required under s. NR 680.06, Wis. Adm. Code. As part of this agreement all other terms and conditions of the current licenses, plan approvals, and plan modifications shall remain in force until, as appropriate, final re-issuance or closure determinations are completed.

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## **XI. OPERATIONAL FLEXIBILITY AND VARIANCES.**

CCP has reached the end of its current incinerator permit. CCP recently prepared and submitted to DNR a detailed application for renewal of its incinerator operating license. CCP faces the decision to either continue

the traditional operation of its RCRA-permitted incinerator, or to pursue waste minimization and pollution prevention strategies for the future.

CCP recognizes the economic, environmental, and community relations benefits associated with moving to a waste minimization and pollution approach. The challenge is to identify a reasonable path to accomplish this goal, while protecting the commercial interests and profitability of our business in a highly competitive marketplace.

### **Current Regulatory Barriers to Waste Minimization and Pollution Prevention**

CCP is evaluating the viability of waste minimization and pollution prevention options for management of reaction water at the Saukville facility, and other facilities in the United States. The technical challenges of the available strategies appear to be more easily resolved than the administrative barriers expected with implementing new technology in a traditional regulatory structure.

A chemical production facility that operates an on-site hazardous waste incinerator faces particular challenges to technology change. The transition from the current incineration technology to a waste minimization and pollution prevention technology cannot be effectively planned and scheduled by CCP in a complicated regulatory process. For example, a transition from incineration to a pollution prevention technology may include RCRA closure, RCRA corrective action agreement modification, air pollution permit modifications, and wastewater indirect-discharge permit modifications.

In addition, the RCRA-permitted incinerator regulatory process also involves federal oversight by Region V of the US EPA. Unless project communication is well defined in the planning phase, the multiple-agency review shall add further uncertainty to the scope and schedule of a project.

### **DNR Commitments based on this Agreement:**

No variances to existing regulations shall be anticipated to complete the project in this agreement. However, CCP shall rely upon the operational flexibility and commitment to deadlines by DNR and US EPA to make this proposed project possible. In order to achieve this objective the Department agrees to:

#### **Objective for Goal A**

**XI.A.1** DNR shall provide initial feedback and facilitate EPA feedback on the feasibility study and identify what information, permits and approvals shall be needed for the project to proceed based on the schedule outlined in Table B.

**XI.A.2** Commit to the activities and schedule listed in Table B to help CCP evaluate the technical, economic and environmental feasibility and desirability of eliminating or significantly reducing the waste streams burned in its hazardous waste incinerator using waste minimization and pollution prevention technologies.

- a) In the event that CCP submits a revised RCRA Closure Plan and other modifications in Operational Plan DNR shall review and take appropriate actions in the time period specified in Table B.
- b) In the event that CCP an Industrial Wastewater Pretreatment or a "zero-discharge" pretreatment authorization to complete the project, the DNR shall review and take appropriate action in the time

period specified in Table B. CCP is responsible for obtaining all required local authorizations from the Saukville POTW and the Village of Saukville.

- c) In the event that CCP requires a construction permit, modification to its Title V application under review, or modification to the RACT measures implemented at the site under State or Federal air regulations to make changes necessary to eliminate its hazardous waste stream and hazardous waste incinerator, DNR shall review and take appropriate action on the project in the time period specified in Table B.

**XI.A.3** Since CCP did not request waste stream changes in its Feasibility Report and Plan of Operation for its Hazardous Waste License renewal, DNR shall defer requesting until after Oct 2, 2000 a revised stack testing plan and stack testing for its hazardous waste incinerator under NR 665. If by October 2, 2000 CCP, commits to eliminating its reactive water hazardous waste stream and closing its Hazardous Waste Incinerator in accordance to the MACT Hazardous Waste Incinerator deadlines and requirements established in 40 CFR 63, subpart EEE, CCP shall not be required to conduct additional Hazardous Waste Stack testing under NR 665. If CCP does not make this commitment, by October 2, 2000, DNR assumes closing the incinerator is not feasible and agreement items IX.A.5 and XI.A.4 becomes effective

**XI A.4** If the waste minimization and pollution prevention technologies evaluated are not feasible, DNR shall proceed with the Hazardous Waste TSD license renewal path according to NR 680 including requiring CCP to submit a new trial burn plan by December 1, 2000 and complete required testing by March 1, 2001.

**XI B.1** DNR shall continue to work with CCP to explore opportunities for pollution prevention during issuance of air and other environmental permits.

**Objectives for Goals B, C, D, and E** [*DNR may be negotiating with CCP for other specific objectives related to these goals for the agreement*]

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## **XII. BASELINE, PERIODIC PERFORMANCE EVALUATIONS AND MEASUREMENT**

1. Within 180 days of the signed Agreement, CCP shall perform and submit to DNR a baseline performance evaluation covering their environmental performance. This evaluation shall be repeated annually on the anniversary date of the baseline submittal or on another date mutually agreed to by DNR and CCP. Results of the performance evaluations shall be shared with the interested persons group (reference VII.5).

As part of the facility-specific performance measurements CCP shall:

- Measure the opinions of its employees and the public concerning its participation in the Environmental Cooperative Agreement Pilot Program created under Wis. Stats. 288.90.
- Assess the success of the project in reducing the time and money spent by the participant on paperwork and other administrative activities that do not directly benefit the environment

Table C identifies the additional performance parameters that CCP shall report on.

*[Note: During the negotiation process DNR and CCP will use Table C as a starting point for negotiating the parameters on which CCP shall report as part of the baseline performance evaluation. The parameters that CCP and DNR agree to will be included in the copy of the agreement that is public noticed. Suggestions from the interested person's group and others on parameters to measure are welcome during the negotiation process].*

2. As part of the 180 baseline evaluation CCP shall prepare a case study including information on environmental performance and costs prior to implementing the waste minimization/pollution project for the wastes burned in the hazardous waste incinerator before and projected after closure of the hazardous waste incinerator. As part of the performance evaluation done in the year after closure of the incinerator, CCP shall update the case study to reflect the environmental performance and costs/savings that were experienced as a result of the project. As appropriate, CCP shall also report in the case study on their progress in achieving other goals of the Environmental Cooperative Agreements Pilot Program (s. 299.80, Wis. Stats.).

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### **XIII. REPORTING OF VIOLATIONS.**

Any violations discovered as part of the baseline or annual environmental performance evaluation shall be disclosed to the Department within 45 days of the completion of the evaluation. DNR shall not take any civil enforcement action on any such reported violations if they are corrected within 90 days of notification. This does not exempt CCP from the requirements for immediate notification contained in s. 292.11, Wis. Stats.

If a longer period of time is needed to correct the violations, a compliance schedule can be negotiated and the Agreement modified allowing a compliance schedule of up to 12 months.

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### **XIV. APPLICABLE LAW.**

The laws of the State of Wisconsin shall govern this agreement. Except as provided herein, CCP shall at all times comply with all Federal, State and Local laws, ordinances and regulations in effect during the period of this agreement.

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### **XV. ADDRESSES.**

All correspondence and communication shall be directed to the appropriate contact person listed below. Changes in the information listed below shall be forwarded to the other party when effective and shall become part of this agreement without a formal amendment.

Wisconsin Department of Natural Resources  
Bureau of Cooperative Environmental Assistance  
PO Box 7921  
Madison, WI 53707-7921

IN WITNESS WHEREOF, the parties by their signatures shall cause this agreement to be executed on the date aforementioned.

Signed for and on behalf of:

STATE OF WISCONSIN  
DEPARTMENT OF NATURAL RESOURCES

Date: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_

Signed for and on behalf of:

COOK COMPOSITES AND POLYMERS

Date: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_

*7/27/2000 Counterproposal - with minor edits made 8/1/2000 to correct typos.*